

Patent
Attorney's Docket No. 032942-032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **ATTENTION: BOX AF**
)
Malcolm KING et al) Group Art Unit: 1623
)
Application No.: 09/892,636) Examiner: Devesh Khare
)
Filed: June 28, 2001) Confirmation No.: 5976
)
For: USE OF DEXTRAN AND OTHER)
POLYSACCHARIDES TO IMPROVE)
MUCUS CLEARANCE)

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SUBMISSION OF TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached please find an executed Terminal Disclaimer by each of the assignees in connection with the application identified above.

A check for [X] \$55.00 (2814) [] \$110.00 (1814) to cover the requisite Government fee is also attached. The Commissioner is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

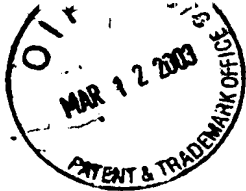

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Date: March 12, 2003



DUPLICATE

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
032942-032

In re Application of: Malcolm KING et al
Application No.: 09/892,636
Filed: June 28, 2001
For: USE OF DEXTRAN AND OTHER POLYSACCHARIDES TO IMPROVE MUCUS CLEARANCE

The owner, The University of Alberta of 50% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,339,075. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

04/08/2003 DLYONS 00000001 034800 09892636
01 FC:2001 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

FEBRUARY 19, 2003
Date

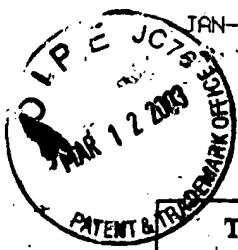
Signature

Dr. Peter Robertson
Associate Vice-President
(Research/Industry Relations) and
Director, Research Services Office
The University of Alberta

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
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2. ☐ The undersigned is an attorney of record.

Feb 13/03
Date

David P. Jones Signature

Associate Director

University-Industry Partnership
Typed or printed name

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